

## Who is covered under Davis Bacon: Laborers and Mechanics

- CDBG Projects >\$2,000
- Individuals whose duties are manual or physical in nature
- Includes apprentices, trainees
- Does NOT include:
  - Timekeepers, inspectors, architects, and engineers
  - *Bona fide* executive, administrative, or professional employees as defined by the Federal Labor Standards Act (FLSA)



Davis Bacon applies to CDBG projects that receive more than \$2,000 for construction, rehabilitation, and/or in some cases installation of equipment.

Apprentices and trainees must be:

Individually registered in an approved apprenticeship or trainee program;

Paid the Fringe Benefits (FB)'s specified in the approved program or the full amount of FB's listed on the wage determination, if the program is silent; and

Within the allowable ratio specified in the approved program for the number of apprentices/trainees to journeyman

This does not include "HELPERS."

"Helpers" are NOT covered, unless the specific classification of "Helper" is included in the wage determination.

# WAGE DECISION

Start with looking at the WAGE DECISION "LOCK-IN" DATE

Competitive Bidding Process:

The bid opening date "locks-in" the wage decision provided that the contract is awarded within 90 days.

**10 days before the bid opening date,**  
Check to see if the decision is current

<http://www.wdol.gov>



- o If no change, document the file
- o If a change occurred, determine
  - If there is sufficient time to notify ALL bidders
  - If the modification applies to your project activities
  - If so, notify ALL bidders of the revised wage decision and document files



What Wage Rate Determination applies?

Start with looking at the Wage Decision "lock-in" date

In a competitive bidding process, the bid opening date "locks-in" the wage decision provided that the contract award is within 90 days. Then check the website 10 days before the bid opening date to see if the wage decision changed. If there wasn't a change then the applicable wage decision at the lock-in date applies to the project.

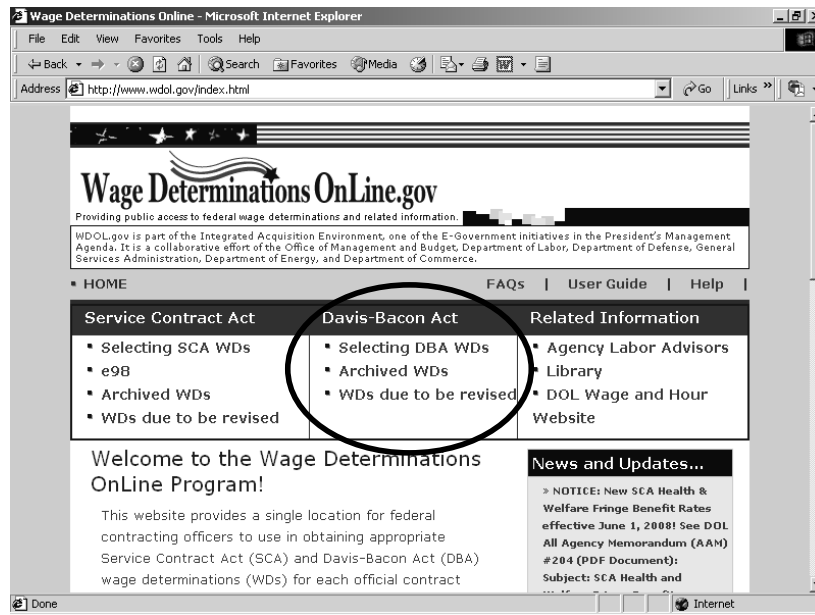
If there is a change, determine if there is sufficient time to notify all bidders, and if the modification applies to the project activities. If both are yes, then notify all bidders of the updated modification. This would be applicable to the project.

Print the applicable wage decision and remember to place in file.

## WAGE DECISION continued

- If the contract is awarded more than 90 days after bid opening, the contract award date “locks-in” the wage decision.
- For contracts, purchase orders or other agreements for which there is no bid opening or award date, use the construction start date as the “lock-in” date.





<http://www.wdol.gov>

Current and archived Wage Determinations can be found on-line

## PREVAILING WAGE

- “Prevailing wage” is made up of two interchangeable components
  - Basic Hourly Rate (BHR) and Fringe Benefit (FB)
- Wage Determination obligation satisfied by:
  - Paying the BHR and FBs in cash
  - Contributing payment to a *bona fide* plan
  - Any combination of the two



# CERTIFIED PAYROLLS

- Payroll WH-347
- Identify payrolls as #1 or Initial and last week of work as "Final"
- Payrolls are to be submitted weekly
- Original Signature on Payroll Certification

**General:** The use of the WH-347 payroll form is not mandatory, you are able to use a different format, as long as all the same information is provided.

Properly filled out, this form will satisfy the requirements of Regulations, Parts 3 and 5 (29 CFR, Subtitle A), as to payrolls submitted in connection with contracts subject to the Davis-Bacon and related Acts.

On the weekly certified payrolls, identify first ,second, etc to last week of work.

Payrolls are to be submitted weekly.

Payrolls need to have an original signature on the payroll certification



# HUD-11 EMPLOYEE INTERVIEWS

## Employee Interviews

- ✓Place and date of interview
- ✓Name and address of employer / employee
- ✓Employment status and classification
- ✓Alleged violations

## \*Payroll Examination\*

- ✓Compare against weekly certified payroll
- ✓Sign and date

**Record of Employee Interview** U.S. Department of Housing and Urban Development Office of Labor Relations OMB Approval No. 2501-0009 (exp. 10/31/2010)

Rules requiring buyers for the collection of information is submitted to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and reviewing the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number. The information is collected to ensure compliance with the Federal Labor Standards by recording interviews with construction workers. The information collected will be used in the context of compliance monitoring. The information will be used to help the weekly or biweekly payroll reports submitted to the employer. **WARNING: Penalties:** In criminal or civil cases, and in cases involving the security and confidentiality of information, those records should be protected against any anticipated threats or hazards to their security or integrity that could result in substantial harm, embarrassment, inconvenience, or untimeliness to any individual on whom the information is maintained. The information collected herein is voluntary, and any information provided shall be kept confidential.

1a. Project Name			2a. Employee Name		
1b. Project Number			2b. Employee Phone Number (including area code)		
1c. Contractor or Subcontractor (Employer)			2c. Employee Home Address & Zip Code		
3a. Verification of identification? Yes <input type="checkbox"/> No <input type="checkbox"/>					
3b. How long on this job?	3c. Last date on this job before today?	3d. No. of hours last day on this job?	4a. Hourly rate of pay?	4b. Fringe benefits?	4c. Pay stub?
			Vacation: Yes <input type="checkbox"/> No <input type="checkbox"/>	Medical: Yes <input type="checkbox"/> No <input type="checkbox"/>	Pension: Yes <input type="checkbox"/> No <input type="checkbox"/>
5. Your job classification(s) (list all) — continue on a separate sheet if necessary					
6. Your duties					
7. Tools or equipment used					
8. Are you an apprentice or trainee? Y <input type="checkbox"/> N <input type="checkbox"/>					
9. Are you paid for all hours worked? Y <input type="checkbox"/> N <input type="checkbox"/>					
10. Are you paid at least time and 1/2 for all hours worked in excess of 40 in a week? Y <input type="checkbox"/> N <input type="checkbox"/>					
11. Have you ever been threatened or coerced into giving up any part of your pay? Y <input type="checkbox"/> N <input type="checkbox"/>					
12a. Employee Signature			12b. Date		
13. Duties observed by the interviewer (Please be specific.)					
14. Remarks					
15a. Interviewer name (please print)			15b. Signature of interviewer		15c. Date of interview
16. Remarks					
17a. Signature of Payroll Examiner			17b. Date		

Previous editions are obsolete. Form HUD-11 (8/03/04)

Employee Interviews must be conducted and documented using the HUD-11. The interviewer completes the form.

This form is then used to compare against the weekly certified payroll. Does wage rate and classification (s) indicated on the weekly certified payroll match what the employee said and what the employee was actually doing at the worksite?

For the Payroll Examination, this form is reviewed and compared against the weekly certified payroll, the reviewer must sign and date this form.



# REPORTING DAVIS-BACON

## ☐ SEMI-ANNUALLY

- ☐ October – March
- ☐ April – September

## ☐ COMPLETING THE HUD-4710

- ☐ Part I. – Contracting activity for work awarded  
DURING the reporting period
- ☐ Part II. – Enforcement activity for ALL contracts,  
REGARDLESS of the award date



REPORTING FOR DAVIS BACON OCCURS TWO TIMES A YEAR.

This is accomplished by completing the HUD 4710. Complete Part I if there were contracts awarded during the reporting period. Complete Part II if any complaints were received during the reporting period.